

February 5, 2024

Magistrate Judge Ted Stewart
UT District Court House
300 South West Temple
Salt Lake City, UT 84114-2220

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FEB 27 2024

U.S. DISTRICT COURT

Magistrate Judge Ted Stewart,,

I am writing in regard to the Summary Statement filed: December 22, 2023, by Magistrate Dustin B Pead / Magistrate Judge Ted Stewart, on the Medical Care of James Weston Fawcett.

Case Name: USA v. Fawcett

Case Number: 2:23-cr-00092-TS

Filer:

Document # 37. (No document attached)

I apologize for the tardiness of this, but I had asked our previous Attorney, Jordan Haycock, for this statement repeatedly. I had no idea it had been emailed by his partner, Greg Smith.

Since the Defendant no longer has legal counsel, I would like to formally challenge the conclusion of the Medical Investigation on James W. Fawcett.

INACCURACIES OF REPORT

1. The Defendant's Blood Sugars are NOT, "where they need to be.", as Nurse Supervisor Joshua Randolph stated. The Defendant's readings have, in the past and continue to, swing wildly from in the 50's to the 400's on a daily basis. To be in control they would range from 100 to 200. The test used to deduce such incorrect information was probably an A1C. This test is simply an average of all the readings over a three month period.

A closer and more informed look at his daily records, kept by the Medical Dept. at the Davis County Jail, entered 4 times daily, would show huge swings in his readings. These swings cause major damage to the nerves within the body affecting: eyes; brain; heart, stomach, intestines, kidneys and more. Some of those effects will show immediately and some won't show until years later. However, damage has been done and continues to be done mentally and physically.

Further, the Defendant Grievanced about the Jail Nurses forcing him to choose between a glucose tablet and the insulin needed for the next meal when his blood sugar levels test low. The glucose tablet would prevent his blood sugars from plummeting even lower, causing him to pass out which could lead to his death, while the insulin will work on the upcoming meal (to be delivered anywhere from in 15 minutes to 1.5 hours later.) However, the Defendant was told by Nurse Sheila and Dr. Wood, at the Davis County Jail, that the protocols of the Jail will not allow both.

It should also be noted: in the past year of incarceration, the Defendant's low blood sugars have caused life saving measures to be used 5-6 times to revive him. During the last episode the Defendant was told by the Doctor, "Let's not do that again. I don't know if I will be able to bring you back again."

These Grievances should have been escalated but were denied. Further, his claims that he needs to be treated by a Diabetic Specialist who can aid in normalizing his current & past readings are valid, yet have been denied.

2. The Defendant is not getting the medications prescribed by his Diabetic Specialist, Amy Glen, his Nephrologist, Dr. J. Peter Bozeman or his Gastroenterologist, Dr. Heinbaugh.

The Defendant's medical information, including medical conditions, attending physicians and prescription history were submitted to the Salt Lake Metro Jail shortly after incarceration, January 26, 2023. If that information is not in his current Medical File at the Davis County Jail, every effort should be made immediately, to rectify this issue.

3. The Defendant suffers from Stage 3 Kidney Disease but evidently, this information is missing from his Medical File at Davis County Jail, according to Nurse Supervisor, Joshua Randolph. Again, this information was submitted to the Salt Lake Metro Jail shortly after incarceration. If, in fact, this information is not contained in the Defendants current Medical File, the Correction Facilities are NEGLIGENT! A remedy to this issue needs to be addressed IMMEDIATELY!

When the defendant was granted a single test to determine the condition of his Kidneys, this test showed only that his Kidneys were working faster than they were when the Defendant was first incarcerated! This doesn't mean that his kidneys are working correctly. In kidney disease, the kidneys continue to work harder and harder to compensate for their failure to clean urine and other bodily fluids. They will continue to keep working harder until they STOP! His Specialist, Nephrologist, Dr. J Peter Bozeman requires "panels" of tests to be completed prior to his appointments to properly treat his kidneys and liver.

Proper monitoring and treatment is needed to prevent dialysis. The Defendant has had neither monitoring nor treatment.

The Defendant's Grievances filed for Kidney care have been met with distrust, malis and indifference by Medical Personnel, as this information is evidently missing from his file. This mistake should have no reflection on the Defendant but should show the Medical Personnel refused to look into this issue.

4. Dental Disease is also a hazard of Type I Diabetes. The Defendant lost an important crown, in approximately August of 2023. He also was experiencing severe tooth pain in one of his last chewing teeth. A Furlough was requested to repair these teeth and was denied. At the Defendant's next dental visit, the Jail Dentist agreed that the tooth, with decay under the filling, was a viable tooth worth saving. Yet, outside dental care was still denied.
5. Eye Care. Unmentioned in this report, is the condition of the Defendant's vision. The

Defendant experienced a failed cataract surgery, performed by Dr. Michael Pingree of Salt Lake City, UT., before incarceration. The US Marshals have escorted the Defendant on two separate appointments to have his sight evaluated.

Both Dr.'s from Standard Optical and Retina UT agreed that the cataract lens is now allowing light to enter the eye above and below the newly placed lens thus rendering the Defendant unable to see out of the affected eye. Further, both Dr. 's agreed that Dr. Pingree should be the doctor to remove the lens. Most importantly, both doctors also agreed that this procedure should be completed sooner than later, if vision is to be restored.

5. The summary also included a statement that the Defendant has refused medication. Two possible scenarios for this claim would be:

A. When incorrect calculations of the insulin were drawn by Jail Nurses. On 2/01/24 at approximately 4 PM. Nurse Sheila tested the Defendant's blood sugars and then drew up an insulin injection of 15 units of Novolin R. The Defendant had to remind the nurse of his scale. Then with her, he calculated that instead of an injection for 15 units, it should be for only 10 units of insulin. Those extra 5 units could have proved deadly if the Defendant had just taken the injection drawn by Nurse Sheila. This happened again on 2/05/24 when Nurse Supervisor Joshua attempted to administer 15 units of insulin when only 9 units were called for. These are deadly errors that occur constantly!!

Defendant is viewed as "Hated", "Obstinate" and "Difficult" because he challenges the mistakes of the Nurses. This kind of Character Assassination is due to the Defendant's attempts at protecting himself from the errors of the Medical Staff.

B. Shortly after the Defendant had been ignored for a week and denied medical care, the Defendant was rushed to the Hospital for an Emergency Appendectomy. Hours later the Defendant was transported back to Davis County's Jail Medical Dept. There the Defendant asked for pain medication. He was offered Ibuprofen and then Tylenol for his pain. The Defendant rejected both medications as they are both extremely harmful to his kidneys. This information should have been highlighted as "Dangerous" in his medical records.

Again, the Defendant was viewed as "rude", "difficult" and "impossible to work with," all because he turned down their uninformed options. He was given nothing for pain that day or throughout his recovery period.

CONCLUSIONS:

The reports of the Nurse Supervisor, at the Davis County Jail, Joshua Randolph are incorrect. Mr. Randolph's search into incomplete records and failure to know how to make an educated decision about the Defendant's blood glucose levels, show inaccurate training and education about diabetes. His findings are therefore inaccurate and dangerous.

Further, SDUSM's conversation with Deputy Mark Thompson, reached totally incorrect conclusions, due to the incomplete medical records at Davis County Jail's Medical Department and the medical personnel's failure to investigate the claims of the Defendant.

In conclusion, on January 30, 2024, the Defendant was surrounded by 5 Guards and Nurse Sheila and told that "If he turned in another Grievance he would be placed in Solitary." The Defendant was then asked if he understood the statement. The Defendant replied, "Yes, but.." and was not allowed to finish

The Defendant has not abused the Grievance Process, which is in place to protect inmates. It is quite the other way around. Due to the use of the Grievance Process, the Defendant is being abused, denied Medical Care as well as his Constitutional Right to protect himself through that process.

This has all happened due to the false narrative that has been spread, that the Defendant is "Hated", "Obstinate" and "Impossible," by the medical staff. Yet, Inmate Fawcett has zero write-ups and zero altercations. No one ever considered that they were working with incomplete records and mistakes made by the Medical Personnel.

Please reverse the denied motion for Medical Treatment. The health of the Defendant is worth protecting. He doesn't want the worst mistake he ever made be the defining decision of his life. The continuation of medical neglect will not end well as the Defendant's health and quality of life will continue to erode.

Respectfully,

Mary Ann Fawcett
Power of Attorney for James Weston Fawcett, Defendant
10743 S Autumn Wind Way
South Jordan, UT 84009

Enclosed: Summary Judgement of Magistrate Judge D. B. Pead / Magistrate Judge Ted Stewart
Enclosed: Power of Attorney Documentation

Cc: Magistrate Judge Dustin Pead
Cc: Chief Officer of Davis County Jail, Mr. Arnold Butcher
Cc: UDC Director, Mr. Brian Redd
Cc: UT Governor Spencer Cox
Cc: UT Senate District #17, Senator Lincoln Fillmore
Cc: UT House District #44. Representative Jordan D. Teuscher
Cc: Ms. Brittany Nystrom Exec. Director UCLA UT
Cc: Ms Debbie Cragen, UT ADA Coordinator

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Notice of Electronic Filing

The following transaction was entered on 12/22/2023 at 1:23 PM MST and filed on 12/22/2023

Case Name: USA v. Fawcett

Case Number: 2:23-cr-00092-TS

Filer:

Document Number: 37(No document attached)

Docket Text:

DOCKET TEXT ORDER The court has reviewed the Defendants renewed Motion for Medical Treatment [32] the United States opposition to the same [33], and the Defendants response [34]. The court also instructed Deputy Mark Thomson to communicate with officials at the Davis County Jail regarding the Defendants claims. Deputy Thomson spoke with Nurse Supervisor Joshua Randolph and has provided the court with the following statement:

James Fawcett is receiving all of the medical attention he needs at Davis County Jail. With his underlying problems, Davis County is treating him according to the provider. There has been times that inmate Fawcett doesnt agree with his treatment or has refused treatment and has gotten angry. His blood sugars are where they need to be and he is being given the necessary medication. As far as his dentistry needs, his tooth can be pulled but Fawcett does not want it pulled but would prefer a root canal. The jail doesnt believe that he needs that at this time. SDUSM Thomson then talked to the nurse about the claim of possible kidney failure. The nurse did not see anything related to that in his charts but agreed to get him in front of a Doctor to get lab testing done and to ensure there is no other issues as precautionary measures. This report is consistent with the claims set forth by the United States in its opposition and, the court concludes, is not meaningfully contested by the Defendant in his response [34]. The motion is therefore denied. Signed by Magistrate Judge Dustin B. Pead on 12/22/2023. No attached document. (tts)

2:23-cr-00092-TS-1 Notice has been electronically mailed to:

Gregory Brent Smith gs@justiceinutahnow.com, cs@justiceinutahnow.com, federalcourtfilings@gmail.com, ks@justiceinutahnow.com

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Jessica P. Marinaro Jessica_Marinaro@utp.uscourts.gov

2:23-cr-00092-TS-1 Notice has been delivered by other means to:

DESIGNATION OF AGENT

I, James Weston Fawcett (Principal), name the following person as my agent:

Name of Agent: Mary Ann Fawcett

Agent's Address: 10743 S. Autumn Wind Way, South Jordan, Utah 84009

Agent's Telephone Number: (801) 891-9408

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in Title 75, Chapter 9, Uniform Power of Attorney Act:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject).

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JWF Tangible Personal Property

JWF Stocks and Bonds

JWF Commodities and Options

JWF Banks and Other Financial Institutions

JWF Operation of Entity or Business

JWF Insurance and Annuities

JWF Estates, Trusts, and Other Beneficial Interests

JWF Claims and Litigation

JWF Personal and Family Maintenance

JWF Benefits from Governmental Programs or Civil or Military Service

JWF Retirement Plans

JWF Taxes

JWF All Preceding Subjects

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

SIGNATURE AND ACKNOWLEDGMENT



(Signature of Principal)

Your Signature Date: 2/9/23, 2023

Your Name Printed: James Weston Fawcett

Your Address: 10743 S Autumn Wind Way, South Jordan, Utah 84009

Your Telephone Number: _____

STATE OF UTAH)

COUNTY OF Salt Lake) ss.

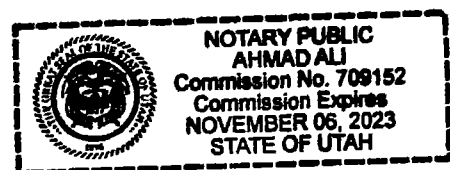
This document was acknowledged before me on 9th February, 2023 by James Weston Fawcett.



(Seal, if any)

Signature of Notary

My commission expires: 11/6/2023



Mary Ann Tawcett
10743 S. Autumn Wind Way
South Jordan, UT 84009

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